

REMARKS

Claims 26-28 are cancelled herein. Claims 18-25 remain pending in the Application.

Rejections under 35 USC 103(a)

Claims 18-21, 22, 26 and 27

In the Office Action, the Examiner rejected Claims 18-21, 22, 26 and 27 under 35 USC 103(a) as being unpatentable over AMD's AM79C830 FORMAC Plus as described in "The SUPERNET 2 family for FDDI- 1991/1992 World Network Data Book" (the publication). Prior art submitted by Applicant in parent application file 09/028,088. Applicant has reviewed the publication and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Claims 26-28 have been cancelled herein. Therefore, rejection with respect to Claims 26-28 is moot.

Applicant respectfully states that Independent Claim 18 recites the feature "Ethernet control circuitry." As the Examiner has stated, the publication does not teach Ethernet control circuitry. However, the Examiner has stated that it would be a design choice to replace the FDDI with Ethernet control circuitry.

However, Applicant respectfully disagrees. It is well known that Fiber Distributed Data Interface (FDDI) is a LAN and MAN access method. Moreover, it is an ANSI standard token passing network that uses optical fiber cabling and transmits at 100 Mbits/sec up to 10 kilometers. That is, FDDI provides network services at the **same level** (emphasis added) as Ethernet.

Therefore, Applicant respectfully states that if FDDI provides network services at the same level as Ethernet it is not obvious to replace the FDDI with the Ethernet control circuitry since it follows that FDDI and Ethernet circuitry operating at the same level are in competition. That is, since both Ethernet and FDDI perform at the same level, they additionally have various components and software that are incompatible. Thus, it would therefore not simply be a matter of interchanging the FDDI with Ethernet circuitry without a plurality of other modification (including total network restructure) requirements.

In addition, Applicant respectfully states that it is not obvious to adapt the teachings of FDDI to an Ethernet network adapter because it would not be more efficient processing Ethernet data packets since FDDI operates at the same level as Ethernet. Therefore, Applicant

respectfully states that the feature of an Ethernet control circuit of Claim 18 is not rendered obvious in view of the publication.

Therefore, Applicant respectfully points out that the publication neither teaches nor renders obvious the present claimed invention as recited in Claim 18 and, as such, Claim 18 overcomes the Examiner's basis for rejections under 35 USC 103(a).

Claims 19 through 21 depend from the allowable Claim 18 and recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 19 through 21 are allowable as pending from an allowable base Claim.

Referring now to Claim 22, Applicant respectfully states that Independent Claim 22 recites the feature "a host computer employs a driver allowing for early indications and having an early lookahead size, and wherein said step of receiving a predetermined first receive threshold number of bytes comprising receiving a number of bytes substantially equal to said early lookahead size." As the Examiner has stated, the publication does not teach the host employing a software driver allowing for an early indication. Moreover, Applicant does not understand the publication to teach early indications and lookahead size.

The Examiner states that a system having the AM79C830 chip would have a driver for interface, however, there is no obvious reason why the driver for interface would have a need for early indication. Moreover, Applicant understands the publication to not mention nor teach "receiving a predetermined first receive threshold number of bytes to a host computer." Additionally, it is not obvious from the need of a driver for interface that logic providing "receiving a number of bytes substantially equal to said early lookahead size" is needed. Specifically, the publication does not teach nor render obvious the need for the host to have a lookahead for a predetermined number of bytes.

Therefore, Applicant respectfully points out that the publication neither teaches nor renders obvious the present claimed invention as recited in Claim 22 and, as such, Claim 22 overcomes the Examiner's basis for rejections under 35 USC 103(a).

Claims 23 through 25 depend from the allowable Claim 22 and recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 23 through 25 are allowable as pending from an allowable base Claim.

### Claim 23

In the Office Action, the Examiner rejected Claim 23 under 35 USC 103(a) as being unpatentable over the AM79C830 publication and further in view of Firoozman (5, 210, 749). Applicant has reviewed the publication and Firoozman and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Specifically, Applicant respectfully points out that Claim 23 depends from the allowable Claim 22 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 23 is allowable as pending from an allowable base Claim.

#### Claims 24-25 and 28

In the Office Action, the Examiner rejected Claim 24-25 and 28 under 35 USC 103(a) as being unpatentable over the AM79C830 publication and Firoozman (5, 210, 749) and further in view of Bentley et al. (4,860,193). Applicant has reviewed the publication, Firoozman and Bentley et al. and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Specifically, Applicant respectfully points out that Claims 24 and 25 depends from the allowable Claim 22 and recite further features of the present

claimed invention. Therefore, Applicant respectfully states that Claims 24 and 25 are allowable as pending from an allowable base Claim.

Claim 28 has been cancelled herein. Therefore, the rejection with respect to Claim 28 is moot.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 18 through 25.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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